IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 9796 of 1999

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

==========

NARSINGH R UPADHYAY - Petitioner(s)

Versus

STATE OF GUJARAT & 2 - Respondent(s)

==========

Appearance :
MR BP GUPTA for Petitioner(s) : 1,
RULE SERVED for Respondent(s) : 1 - 3.
==========

CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 02/12/2005

ORAL JUDGMENT

1. In this petition under Article 226 of the Constitution of India, the petitioner who is serving as Police Constable with the Police Department and was earlier serving with Military Department has

prayed for an appropriate writ, direction and / or order quashing and setting the order passed by the Appellate Authority i.e. Commissioner (Prohibition and Excise), State of Gujarat, Ahmedabad dated 4.10.1999 in dismissing the same and confirming the order passed by the Superintendent of Prohibition and Excise Department, Bhuj at Kachchh dated 14.5.1999 by which the request of the petitioner for renewal of the permit to consume liquor has been rejected.

2. Considering the fact that there is policy decision taken by the State Government that no police personnel should apply for permit to have foreign liquor considering the prohibition in the State of Gujarat and even considering the reasons given by the petitioner for having permit to the effect that as he is habituated of taking liquor, which cannot be said to be a ground for issuing the permit, application submitted by the petitioner for renewal of the permit has rightly been rejected and rightly confirmed by the appellate authority, and the same is not required to be interfered with by this Court in exercise of

the powers under Article 226 and 227 of the Constitution of India.

3. Under the circumstances, there is no substance in the present Special Civil Application and the same is required to be dismissed and is accordingly dismissed.

Rule is discharged. However, there will be no order as to costs.

[M.R.Shah, J.]

=kailash=